

**SOUTH DAKOTA BOARD OF NURSING**

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IN THE MATTER OF THE LICENSURE :  
PROCEEDINGS :

RE: BRANDY GUERUE :

**DOH 21-18**

License No.: SD P010961, :

**DEFAULT SUSPENSION**

Licensee. :

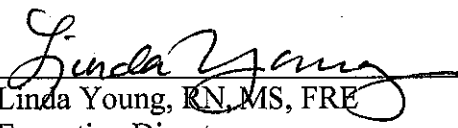
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The South Dakota Board of Nursing met on the 9<sup>th</sup> day of February, 2022, to consider a Complaint and Notice of Hearing regarding Brandy Guerue's License (P010961) to practice nursing in the State of South Dakota. Licensee failed to appear at the time and place set for hearing or otherwise contest the Complaint against her license. The Board, by a vote of 8 - 0, therefore accepted the facts set forth in the Complaint as true and, upon motion of the prosecuting attorney, entered a Default Suspension of Licensee's license in the State of South Dakota.

IT IS HEREBY ORDERED that Licensee's license (P010961) in the State of South Dakota is hereby suspended.

Dated this 9<sup>th</sup> day of February, 2022.

SOUTH DAKOTA BOARD OF NURSING

  
Linda Young, RN, MS, FRE  
Executive Director

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Licensee,

## COMPLAINT

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## Parties and Jurisdiction

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5. In compliance with SDCL Ch. 1-26, the Board has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-1.1.

#### **Facts**

6. Licensee is licensed as a Licensed Practical Nurse (LPN) in the State of South Dakota.

7. Licensee was employed as an LPN for Rosebud Indian Health Services in July 2021, when she had significant attendance and shift abandonment issues.

8. On July 16 and 17, 2021, Licensee was working the overnight shift. Between midnight and 2:00 a.m. on July 17, 2021, Licensee left the inpatient unit and never returned. Two other night shift nurses scheduled that shift could not locate Licensee, but Licensee's car remained in the parking lot.

9. Licensee was eventually found at 7:10 a.m. on July 17, 2021, by a security officer. Licensee was sleeping in her vehicle. Brandon Edwards accompanied the security officer to Licensee's vehicle to wake up Licensee. When awakened, Licensee was oblivious to the time and exhibited no concern for the fact that she had disappeared for many hours during her shift without telling her co-workers or handling officer the care of her patients.

10. When Licensee opened her vehicle door, Mr. Edwards smelled what he believed to be marijuana. Licensee denied marijuana use.

11. The security officer reported seeing Licensee go out to her car around 12:30 a.m.

12. On July 21, 2021, Licensee did not show up to work when scheduled, nor did she call to advise she would not report for her shift.

13. On July 22, 2021, Licensee advised the floor nurse at 5:50 p.m. that she was not coming to work her 6:00 p.m. shift that evening.

14. On July 26, 2021, Licensee was scheduled to work at 6:00 p.m. and arrived at 7:00 p.m., without providing any prior notice or approval.

15. On July 27, 2021, Licensee was scheduled to work at 6:00 p.m., but she did not arrive until 6:45 p.m., after calling the charge nurse at 6:00 p.m. and advising that she would be arriving ten minutes late.

16. During the July 27<sup>th</sup> overnight shift, Licensee advised that she was taking a ten minute break, but she was gone for over an hour. Licensee also took an hour for her thirty minute lunch break. Also, during the night, the charge nurse noticed Licensee was missing and went looking for Licensee. The charge nurse located Licensee sleeping in a room on the inpatient unit.

#### **Ground for Discipline or Corrective Action**

##### **SDCL § 36-9-49**

17. Pursuant to SDCL § 36-9-69, it shall be necessary to prove in any prosecution for any violation of this chapter only a single act prohibited by law or a single holding out or an attempt without proving a general course of conduct in order to constitute a violation.

18. Based upon the above facts, Licensee engaging in unsafe nursing practice, substandard care, or unprofessional or dishonorable conduct in violation of SDCL § 36-9-49 (10).

### **Demand for Relief**


WHEREFORE, the undersigned attorney for the South Dakota Board of Nursing prays that the Board enter its Findings of Fact, Conclusions of Law, and Order:

- A. Granting such disciplinary and corrective action the Board deems just and appropriate to protect the citizens of this State from Licensee's unauthorized, unqualified and/or improper nursing practices;
- B. Ordering Licensee pay the Board for its actual expenses associated with this contested case proceeding pursuant to SDCL § 1-26-29.1; and
- C. Granting such other and further relief as the Board deems just and proper in the premises.

Dated this 1<sup>st</sup> day of November, 2021.

WOODS, FULLER, SHULTZ & SMITH P.C.

By: \_\_\_\_\_

  
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